

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

RICHARD LOWERY, § No. 1:23-CV-129-DAE  
§  
Plaintiff, §  
§  
vs. §  
§  
ILLIAN MILLS, in her capacity as §  
Dean of the McCombs School of §  
Business at the University of Texas at §  
Austin, ETHAN BURRIS, in his official §  
capacity as Senior Associate Dean for §  
Academic Affairs of the McCombs §  
School of Business at the University of §  
Texas-Austin, SHERIDAN TITMAN, in §  
his official capacity as Finance §  
Department Chair for the McCombs §  
School of Business at the University of §  
Texas-Austin,  
§  
Defendants. §

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE AND GRANTING MOTION TO AMEND**

Before the Court is a Report and Recommendation (“the Report”) (Dkt. # 120) submitted by United States Magistrate Judge Dustin Howell. After reviewing the Report, the Court **ADOPTS** Judge Howell’s recommendations and **GRANTS** Plaintiff Richard Lowery’s Opposed Motion for Leave to Amend the Complaint and Add Jay Hartzell as Defendant (Dkt. # 94).

The facts preceding this Order are laid out in Judge Howell's Report and in this Court's prior Order. (See Dkt. # 51.) In his Report, Judge Howell found that it was unlikely that Defendants would suffer prejudice if Plaintiff is allowed to amend his complaint, and that there is no bad faith or dilatory motive in Plaintiff's request to amend. (Dkt. # 120 at 6.) Additionally, Magistrate Judge Howell determined that Plaintiff's proposed amendments were not futile and therefore recommended that the Court grant Plaintiff's motion to amend. (Id. at 11.)

Objections to the Report were due within 14 days after being served with a copy. Where, as here, none of the parties objected to the Magistrate Judge's findings, the Court reviews the Report for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful consideration, the Court adopts the Magistrate Judge's Report. The Court finds the Magistrate Judge's conclusions that: (1) the deadline to amend pleadings had not yet passed when the motion was filed; (2) Defendants would not suffer prejudice if the motion is granted; (3) there is no bad faith or dilatory motive in the request; and (4) the amendment is not futile are correct. Therefore, the Court determines that the Magistrate Judge's conclusions and recommendations are neither clearly erroneous nor contrary to law.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Dkt. # 120) as the opinion of the Court and **GRANTS** Plaintiff's Opposed Motion for Leave to Amend the Complaint and Add Jay Hartzell as Defendant (Dkt. # 94).

**IT IS SO ORDERED.**

**DATE:** Austin, Texas, March 26, 2024.



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David Alan Ezra  
Senior United States District Judge